

*am*  
said originating LATA is the same as said terminating LATA and selecting said InterLATA carrier as said carrier type if said originating LATA is different from said terminating LATA.

Cancel claims 25 and 26 without prejudice or disclaimer.

**R E M A R K S**

This amendment is filed in response to the non-final Office Action dated November 6, 2001. The Examiner rejected claims 1-4, 6-8, 10-15, 17-19, 21-24, and 26 under 35 U.S. C. 102(e) as being anticipated by Culli et al. The Examiner rejected claims 5, 9, 16, 20, and 25 under 35 U.S.C. 103(a) as being unpatentable over Culli et al. Claims 25 and 26 are hereby cancelled, thus rendering moot any further discussion of these two claims. Aside from these two claims, the 35 U.S.C 102(a) and the 35 U.S.C. 102(b) rejections are respectfully traversed for the following reasons.

Although the Examiner applies an interesting reference, U.S. Patent 6,205,214 B1, Culli et al., against Applicant's claims, it is not directed to subject matter defined by them. Applicants' amended claims are limited to local exchange carrier (LEC) usage. By contrast, Culli et al is directed to non-LEC usage, essentially supporting local call routing for unbundled network elements [i.e. for Local Service Providers (LSPs) and/or Competitive Local Exchange Carriers (CLECs)]. LSPs and CLECs are defined to be the

same in Culli et al in column 1, lines 31-33 and are therein contrasted with the different LEC entity.

In support of Applicants' position, first the Examiner is referred to the reference's Abstract of the Disclosure: "*A local routing system is provided for selectively routing traffic in a telecommunications network according to a local service provider's preferences. The local service provider provides service for telephone lines acquired from a local exchange carrier*" (emphasis supplied), which places the disclosure of this reference squarely within the context of its defined LSP or CLEC. Additionally, the reference makes the case in column two, lines 4-10, for a need for handling calls involving subscribers served by unbundled network elements (unbundled usage means LSP or CLEC usage) as a springboard for its "Summary of the Invention" section and for the rest of its disclosure. The reference is thus explaining a prior art shortcoming as a backdrop for the thrust of its disclosure/invention which obviously relates to unbundled network elements. Finally, the Examiner is directed to both independent claims of Culli et al, claims 1 and 12, in which the language is recited: "*the local service provider providing service for telephone lines unbundled or leased from a local exchange carrier*" (emphasis supplied). Since all other claims of Culli et al are dependent from these two claims, all of the reference's claims are thus directed to supporting local call routing for unbundled network elements (LSP or CLEC).

In direct contrast with the above-noted, sharply-focused, thrust of the Culli et al disclosure including its claims, consider Applicants' amended claims. All amended independent claims (claims 1, 11, 12, 22, and 24) now contain the limitation: "routing a call for AIN-based customers of the LEC". Of course, this language means that local exchange carrier customers, and not customers of a competing local exchange carrier, are being serviced by subject matter defined in Applicants' claims. This added language to all of Applicants' independent claims, by itself, delimits all claims to subject matter not disclosed in Culli et al.

However, Applicant removes the claimed subject matter even further from Culli et al by making additional amendments to the claims. Referring, first, to a portion of a passage in the reference to which the Examiner referred in the Office Action, namely, column 2, lines 45-48: "*The filter determines whether the call is local by first comparing an originating local access and transport area (LATA) with a destination LATA, and if the LATAs are identical, the filter checks whether the destination NPANXX is within the local calling scope of the originator.*" (emphasis supplied). By comparison, Fig. 1A of the instant application shows the opposite: the originating and terminating NPANXX is compared in block 110 before the originating LATA and terminating LATA are compared in block 140 in Fig. 1A or in block 270 in Fig. 2B, as can be plainly seen. With the foregoing sequencing constraint of the Culli et al reference in mind, Applicants amend their claims as follows.

In both independent method claims 1 and 11, the restrictive language: "the following steps in the order given" is added. This language places the step in which the originating NPANXX and terminating NPANXX are compared necessarily ahead of the step(s) in which the originating LATA is compared with the terminating LATA in an opposite sequence from that disclosed in Culli et al. This added language thus further distances claim 1, its dependent claims 2-10 inclusive, and claim 11 from teachings or suggestions in the reference, whereby subject matter defined by these claims is not disclosed or suggested by the reference.

In system claim 12, both the "selecting means for selecting the first carrier" and the "selecting means for selecting the second carrier" are now made "responsive to operation of said determining means". Accordingly, the operation of the determining means, which determines whether a called party is inside a local calling scope of a calling party (e.g. the NPANXX comparison), must occur prior to the operation of the selecting means, which says that operation of the system of claims 12-21 is in an opposite sequence from that disclosed in the Culli et al reference. Therefore, subject matter of claims 12-21 are not disclosed or suggested by the reference.

In computer program product claims 22-23 both the second instruction for selecting a first carrier and the third instructions for selecting a second carrier are made "responsive to said first instructions". Accordingly, the first instructions which determine whether a called party is inside a local calling scope of a calling party must

occur prior to the following of the second instructions and the third instructions, which means that this computer program product must operate in a sequence opposite from that disclosed in the Culli et al reference. Therefore, subject matter of claims 22-23 are not disclosed or suggested by the reference.

In computer program product claim 24, both the second instructions for selecting a local exchange carrier as the carrier type and the third instructions for determining an originating rate center for a calling party and a terminating rate center for a called party are "responsive to said first instructions". Accordingly, the first instructions for comparing an originating NPANXX to a terminating NPANXX must occur prior to the following of the second and third instructions, which means that this computer program product must operate in a sequence opposite from that disclosed in Culli et al. Therefore, subject matter of claim 24 is not disclosed or suggested by the reference.

This language, which defines the sequencing of operation of subject matter in Applicants' claims in a manner directly opposite from the operation of the reference, establishes a significant distinction. Applicants refer the Examiner to column 18, lines 38-39 in the reference: "*Local and intra-LATA toll calls are not so easily distinguished*". This difficulty or problem of distinguishing between these toll calls in the reference is not a problem in embodiments of Applicant's invention. In Applicant's invention, local and intra-LATA toll calls are easily distinguished for several reasons, not the least of which is: the determination of whether a called party is inside a local calling scope of a called

party is made prior to other processing in pursuit of the proper carrier type. As noted above, this sequence is reflected, if not expressly recited, in all of Applicants' claims but is not disclosed nor suggested in Culli et al.

Minor amendments to claims 1 and 22 were made to improve grammatical usage and to acknowledge an antecedent usage. No new matter has been added by way of these amendments.

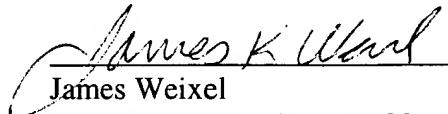
Applicants have reviewed the reference, including all passages to which the Examiner refers in the Office Action. Applicants have found nothing in the reference which runs counter to its position as expressed herein. Therefore, in view of the foregoing amendments and explanation, Applicants assert that their amended claims are not disclosed or suggested by Culli et al. Accordingly, both the 35 U.S.C 102(e) and the 35 U.S.C. 103(a) rejections are overcome. Applicants have also reviewed the other references cited merely of interest and not applied against the claims and agree with the Examiner that those other references taken alone or in any reasonable combination with or without Culli et al do not disclose or suggest subject matter defined by Applicants' amended claims.

Reconsideration and allowance is respectfully requested. If the Examiner believes that a telephone conversation may serve to advance the prosecution of this case he is invited to telephone the undersigned at the telephone number provided below.

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Please charge any costs that may be incurred by way of this amendment to patent office  
deposit account number 07-2339.

Respectfully submitted,

  
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**APPENDIX SHOWING CHANGES MADE TO CLAIMS**

--What is claimed is: --

1. (Amended) A method for selecting a carrier type for routing a call for AIN-based customers of the LEC, said method comprising the following steps in the order given:

determining whether a called party is inside a local calling scope of a calling party;

responsive to a determination that said called party is inside [a] said local calling scope of said calling party, selecting a first carrier as said carrier type; and,

responsive to a determination that said called party is outside said local calling scope of said calling party, selecting a second carrier as said carrier type if an originating LATA of said calling party and a terminating LATA of said called party are the same and selecting a third carrier as said carrier type if said originating LATA and said terminating LATA are different.

11. (Amended) A method for determining a carrier type for routing a call for AIN-based customers of the LEC, said method comprising the following steps in the order given:

comparing an originating NPA-NXX to a terminating NPA-NXX;

responsive to a determination that said originating NPA-NXX and said terminating NPA-NXX are the same, selecting a local exchange carrier as said carrier type;

responsive to a determination that said originating NPA-NXX and said terminating NPA-NXX are different, determining an originating rate center for a calling party and a terminating rate center for a called party;

responsive to a determination that said terminating rate center and said originating rate center are the same, selecting a local exchange carrier as said carrier type;

responsive to a determination that said terminating rate center and said originating rate center are different, searching an originating rate center table for said terminating rate center;

responsive to finding said terminating rate center in said originating rate center table, determining whether said terminating rate center requires an extended dial plan to make a local call from said originating rate center to said terminating rate center;

responsive to a determination that said extended dial plan is required, selecting said local exchange carrier as said carrier type if either said calling party or said called party subscribe to said dial plan, and if neither said calling party nor said called party subscribe to said dial plan, selecting an IntraLATA carrier as said carrier type if an originating LATA is the same as a terminating LATA and selecting an InterLATA carrier if said originating LATA is different from said terminating LATA;

responsive to a determination that said extended dial plan is not required, selecting a local exchange carrier as said carrier type; and

responsive to not finding said terminating rate center in said originating rate center table, selecting said IntraLATA carrier as said carrier type if said originating LATA is the same as said terminating LATA and selecting said InterLATA carrier as said carrier type if said originating LATA is different from said terminating LATA.

12. (Amended) A data processing system for selecting a carrier type for routing a call for AIN-based customers of the LEC comprising:

means for determining whether a called party is inside a local calling scope of a calling party;

means, responsive to operation of said determining means providing a determination that said called party is inside said local calling scope of said calling party, for selecting a first carrier as said carrier type; and

means, responsive to operation of said determining means providing a determination that said called party is outside said local calling scope of said calling party, for selecting a second carrier as said carrier type if an originating LATA of said calling party and a terminating LATA of said called party are the same and selecting a third carrier as said carrier type if said originating LATA and said terminating LATA are different.

22. (Amended) A computer program product in a computer readable medium for selecting a carrier type for routing a call for AIN-based customers of the LEC, said computer program product comprising:

first instructions for determining whether a called party is inside a local calling scope of a calling party;

second instructions, responsive to said first instructions providing a determination that said called party is inside [a] said local calling scope of said calling party, for selecting a first carrier as said carrier type; and,

third instructions, responsive to said first instructions providing a determination that said called party is outside said local calling scope of said calling party, for selecting a second carrier as said carrier type if an originating LATA of said calling party and a terminating LATA of said called party are the same and selecting a third carrier as said carrier type if said originating LATA and said terminating LATA are different.

24. A computer program product in a computer readable medium for determining a carrier type for routing a call for AIN-based customers of the LEC, said computer program product comprising:

first instructions for comparing an originating NPA-NXX to a terminating NPA-NXX;

second instructions, responsive to said first instructions providing a determination that said originating NPA-NXX and said terminating NPA-NXX are the same, for selecting a local exchange carrier as said carrier type;

third instructions, responsive to said first instructions providing a determination that said originating NPA-NXX and said terminating NPA-NXX are different, for determining an originating rate center for a calling party and a terminating rate center for a called party;

fourth instructions, responsive to a determination that said terminating rate center and said originating rate center are the same, for selecting a local exchange carrier as said carrier type;

fifth instructions, responsive to a determination that said terminating rate center and said originating rate center are different, for searching an originating rate center table for said terminating rate center;

sixth instructions, responsive to finding said terminating rate center in said originating rate center table, for determining whether said terminating rate center requires an extended dial plan to make a local call from said originating rate center to said terminating rate center;

seventh instructions, responsive to a determination that said extended dial plan is required, for selecting said local exchange carrier as said carrier type if either said calling party or said called party subscribe to said dial plan, and if neither said calling party nor said called party subscribe to said dial plan, selecting an IntraLATA carrier as said carrier

PATENT  
U.S. Serial No. 09/654,444

type if an originating LATA is the same as a terminating LATA and selecting an InterLATA carrier if said originating LATA is different from said terminating LATA;

eighth instructions, responsive to a determination that said extended dial plan is not required, for selecting a local exchange carrier as said carrier type; and

ninth instructions, responsive to not finding said terminating rate center in said originating rate center table, for selecting said IntraLATA carrier as said carrier type if said originating LATA is the same as said terminating LATA and selecting said InterLATA carrier as said carrier type if said originating LATA is different from said terminating LATA.